

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00

EB-07 FRB-03 H-01 INR-07 INT-05 L-02 LAB-04 NSAE-00

NSC-05 PA-01 RSC-01 AID-05 CIEP-01 SS-15 STR-01

TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 /086 W

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P 011600Z FEB 75

FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC PRIORITY 5555

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E.O. 11652: N/A

TAGS: EINV, ETRD, BL

SUBJECT: COUNTRY ELIGIBILITY FOR GENERALIZED PREFERENCES
UNDER SECS. 502 (B) (4) AND (6) OF TRADE ACT
OF 1974

REF: STATE 22152

1. EMBASSY CONSIDERS THAT ALL CASES OF NATIONALIZATION
OR CHARGES OF UNCOMPENSATED NATIONALIZATION OF U.S.
PROPERTY IN BOLIVIA HAVE BEEN RESOLVED.

2. APPELATE CASE IS RESOLVED BY FAILURE OF PRINCIPALS
MAKING CLAIM TO ENTER INTO GOOD FAITH NEGOTIATIONS WHEN
GOB HAS REPEATEDLY OFFERED TO DO SO. THERE HAVE BEEN NO
FURTHER DEVELOPMENTS SINCE WHITING TO COTTER LETTER OF
DECEMBER 2, 1974. THIS CASE IS SUMMARIZED IN WHITING TO
COTTER LETTER OF NOVEMBER 5, 1974, LA PAZ 2004, APRIL 1,
1974 AND MEMORANDUM SENT UNDER TRANSMITTAL SLIP TO BINNS
ON OR ABOUT APRIL 1, 1974.

3. IMPC/EMBOSA CASE, IN OUR VIEW, IS NOT A CASE. TYE
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WAS PAID FOR ALL TANGIBLE ASSETS AS EVIDENCED BY PAYMENT

DOCUMENTS SENT UNDER LA PAZ A-013, JAN. 29, 1974. TYE DID NOT LIVE UP TO EMBOSA CONTRACT MAINLY BECAUSE HE FAILED TO PROVIDE THIS PORTION OF OPERATING AND INVESTMENT FUNDS. WHEN COMIBOL MOVED TO LIQUIDATE EMBOSA IN 1973 AFTER REPEATED WARNINGS TO TYE AND CALLS FOR HIS PRESENCE IN LA PAZ, NEITHER TYE NOR HIS LAWYER CALLED FOR ARBITRATION. TYE NEVER CAME TO LA PAZ DURING THE CRUCIAL PERIOD FROM ABOUT DECEMBER, 1972 THROUGH AUGUST, 1973 WHEN EMBOSA WAS FINALLY LIQUIDATED EVEN THOUGH EMBASSY AND STATE DEPT. HAD CONTACTED TYE IN TEXAS TO INFORM HIM THAT GOB DESIRED HIS PRESENCE IN EMBOSA BOARD MEETINGS. TYE SUBSEQUENTLY WAS UNCLEAR AS TO WHETHER HE EVEN WANTED ARBITRATION. HE WAS ALSO UNCLEAR AS TO WHAT HE WISHED TO CLAIM AS EVIDENCED BY LA PAZ 3641, JUNE 5, 1974 AND VARIOUS LETTERS. HE HAS NOT FILED A CLAIM BEFORE BOLIVIAN COURTS AND SHOWS NO INCLINATION TO DO SO. LATEST STATUS REPORT ON THIS CASE IN OUR FILES IS KARKASHIAN TO AMBASSADOR STEDMAN LETTER OF NO. 6, 1974. THERE HAVE BEEN NO FURTHER DEVELOPMENTS IN THIS CASE TO OUR KNOWLEDGE.

4. LATEST STATUS OF FARMABOL CASE, TO OUR KNOWLEDGE, IS ALSO CONTAINED IN KARKASHIAN LETTER OF NOV. 6, 1974 WHICH STATES THAT FARMABOL MUST EXHAUST ALL LEGAL AND ADMINISTRATIVE REMEDIES IN BOLIVIA AND FILE PROPER DOCUMENTATION FOR THE DEPARTMENT TO CONSIDER TAKING UP THE CASE. THE CLAIMANTS HAVE BEEN LESS THAN ACTIVE IN RECENT YEARS IN PRESSING THEIR CASE OR IN NEGOTIATING DESPITE AN EVIDENT WILLINGNESS ON THE PART OF GOB TO NEGOTIATE. CLAIMANTS' LAWYER HAS SHOWN MORE INTEREST IN NEGOTIATING LOANS AS DESCRIBED IN LA PAZ 538, JAN. 25, 1974 AND PREVIOUS. THUS THIS CASE CAN BE CONSIDERED RESOLVED BY DEFAULT OF CLAIMANTS TO PRESS CLAIM, NEGOTIATE OR DOCUMENT CASE.

5. EMBASSY KNOWS OF NO OTHER CASES OF NATIONALIZATIONS OF U.S. PROPERTY THAT HAVE NOT BEEN RESOLVED IN LINE WITH ONE OF THE SUBPARAS OF SEC. 502 (B) (4) (D) OF THE TRACE ACT.
STEDMAN

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Message Attributes

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Concepts: GENERALIZED PREFERENCES (TARIFFS)
Control Number: n/a
Copy: SINGLE
Draft Date: 01 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750038-0142
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Handling Restrictions: n/a
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ISecure: 1
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Margaret P. Grafeld
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05 JUL 2006

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